

CIVIL ACTION NO. 3:23-CV-00769-N

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**In the United States District Court  
Northern District of Texas - Dallas Division**

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JEFFREY W. CARPENTER,

*Plaintiff,*

v.

TWIN CITY FIRE INSURANCE COMPANY,

*Defendant.*

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**TWIN CITY FIRE INSURANCE COMPANY’S MOTION  
TO DISMISS UNDER RULE 12(b)(1) AND RULE 12(C)**

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Twin City Fire Insurance Company (“Twin City”) files this Motion to Dismiss Jeffrey Carpenter’s claim for punitive damages under Rule 12(b)(1) of the Federal Rules of Civil Procedure. Carpenter lacks standing to assert this claim because claims for punitive damages are not transferrable under Texas Law.

Twin City also files this Motion to Dismiss Carpenter’s claim for equitable and injunctive relief under Rule 12(c) and Rule 12(b)(1). No law enables Carpenter, who is not Twin City’s insured, to use the court system to require Twin City to alter its business practices. Carpenter’s claim is not cognizable and his pleadings rule out any chance of satisfying the elements of a claim for injunctive relief.

These grounds for dismissal are set forth in Twin City’s contemporaneously filed brief in support of its motion to dismiss.

Respectfully submitted,

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LOCAL COUNSEL FOR TWIN CITY FIRE  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on all counsel of record via the court's electronic filing system on September 27, 2023.

/s/ Steven J. Knight  
STEVEN J. KNIGHT